

REMARKS

Claims 1-13, as amended, remain herein. Applicants respectfully request reconsideration of the rejections in view of the following remarks.

Claims 1-13 were rejected under 35 U.S.C. § 102(b) over Synnestvedt et al. U.S. Patent 6,598,057 ("Synnestvedt").

Applicants' claim 1 recites a sequence of steps, including: (a) "sending by the automation module a request address query on the TCP/IP network, the request address query comprising the application name of the automation module and being in conformance with DHCP protocol", followed by (b) "sending by the automation module a read configuration query in conformance with FTP or TFTP protocol, on the TCP/IP network, to an FTP/TFTP server." These limitations and their sequence are neither taught nor suggested by the Synnestvedt reference.

The Office Action cites to Synnestvedt at col. 3, lines 43-48, col. 4, lines 5-8, and col. 5, lines 36-41 against Applicants' claim limiting "sending . . . a request address query . . . in conformance with DHCP protocol,". These cited portions of Synnestvedt state:

The new TFTP service generates DOCSIS compliant cable modem configuration files with appropriate classes of service, based upon a request from the cable modem and using user registration information stored in an LDAP directory.

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Requests for configuration originate at cable modem s02 and travel to TFTP server 124, where a DOCSIS binary configuration file is generated and sent back to cable modem 102.

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The DOCSISFile class 206 will inherit from the DynamicFile class 204 which inherits from the FileInterface class 200. The purpose of the DynamicFile class 204 is to provide a place to put common methods associated with dynamic or in-memory files allowing the TFTP server 124 to be easily extended to serve other types of dynamic files.

Nothing in the above quoted portions of Synnestvedt discloses or suggests “sending . . . a request address query . . . in conformance with DHCP protocol” as recited in applicants’ claims (emphasis added). The only request made by the cable modem in Synnestvedt is disclosed in the middle paragraph (col. 4, line 5-8), which does not disclose that the request is in DHCP format. As Synnestvedt expressly admits in column 1, lines 10-57, DHCP is different from both TFTP and DOCSIS communications, such as those referred to in the cited portions of Synnestvedt.

The Office Action also cites Synnestvedt, col. 3, lines 40-53, particularly lines 44-48, against Applicants’ claim limiting “sending . . . a read configuration query in conformance with FTP or TFTP protocol.”. The cited portions of Synnestvedt state:

A description of preferred embodiments of the invention follows. A new TFTP service providing DOCSIS file generation capabilities is described; it supports effective broadband provisioning and improved configuration file management. The new TFTP service generates DOCSIS compliant cable modem configuration files with appropriate classes of service, based upon a request from the cable modem and using user registration information stored in an LDAP directory. The new TFTP service runs on a standard RFC-1350 compliant TFTP server. The TFTP server can also be used to perform standard TFTP services, such as downloading software upgrades to cable modems, as well as providing the new service of dynamically generating DOCSIS compliant configuration files.

Applicant: Jacques CAMERINI et al.
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But nothing in the above quoted portion discloses or suggests any communication made by the Synnestvedt cable modem, let alone "sending . . . a read configuration query" as recited in Applicants' claim 1. Nor is there any teaching or suggestion that such an (undisclosed) sending follows the "sending . . . a request address query . . . in conformance with DHCP protocol" as recited in Applicants' claim 1 .

Synnestvedt therefore fails to teach all limitations of Applicants' independent claim 1, as well as the sequence of limitations recited in Applicants' claim 1. Claim 1 is therefore patentably distinct over Synnestvedt. Withdrawal of the rejection of claim 1 and its dependent claims 2-13, and allowance of the same are therefore respectfully requested.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested. The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28954.2009). If a telephone conference would be of value, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted,

STEPTOE & JOHNSON



Roger W. Parkhurst, Reg. No. 25,177
Tyson Y. Winarski, Reg. No. 41,381

Date: September 30, 2005
1330 Connecticut Avenue, NW
Washington, DC 20036
Tel: 202-429-3000
Fax: 202-429-3902